

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

DIANDRA HECK,)	
)	
Plaintiff,)	
)	
v.)	No. 3:21-cv-00158
)	
THE COPPER CELLAR)	(From Knox County Chancery Court
CORPORATION,)	Docket No. 201966-2)
)	
Defendant.)	

COPPER CELLAR CORPORATION’S NOTICE OF REMOVAL

PLEASE TAKE NOTICE THAT the Defendant, The Copper Cellar Corporation (“Copper Cellar”), by and through the undersigned counsel, pursuant to 28 U.S.C. §§ 1331, 1367, 1441, and 1446, hereby gives notice of removal of the above-captioned action, currently pending in the Chancery Court for the Sixth Judicial District, County of Knox, State of Tennessee (the “Knox County Chancery Court”) under Docket No. 201966-2, to the United States District Court for the Eastern District of Tennessee, Northern Division.

In support of its Notice of Removal, Copper Cellar shows unto the Court as follows:

I. Venue is proper in this District and Division.

Pursuant to 28 U.S.C. § 1441(a), a defendant may remove any civil action over which the district courts of the United States have original jurisdiction from a state court to the district court of the United States for the district and division where such action is pending in state court. Plaintiff’s lawsuit was pending in the Knox County Chancery Court under Docket No. 201966-2 until Copper Cellar timely filed this Notice of Removal. Based upon the foregoing, venue is proper

before this Court because the Knox County Chancery Court is located within this Court's district and division.

II. This removal is timely filed.

Pursuant to 28 U.S.C. § 1446(b)(1), a defendant must file its notice of removal of a civil action within thirty (30) days after receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which the action is based, or within thirty (30) days after the service of the summons upon the defendant if such initial pleading was filed in court and not required to be served on the defendant, whichever period is shorter.

On March 31, 2021, Copper Cellar was served with a Summons and a copy of Plaintiff's Complaint for Damages. Accordingly, Copper Cellar must give notice of its removal on or by Friday, April 30, 2021. This Notice of Removal is timely filed by Copper Cellar.

III. This removal is proper because the Complaint for Damages sets forth a federal question over which this Court has original jurisdiction.

28 U.S.C. § 1446(a) permits a defendant to remove any civil action brought in state court over which the district courts of the United States have original jurisdiction to the district court for the district and division where the action is pending in state court. Original jurisdiction exists for "all civil actions arising under the Constitution, laws, or treaties of the United States." 28 U.S.C. § 1331.

In her Complaint for Damages, Plaintiff purports to allege a cause of action under the Americans with Disabilities Act of 1990, codified at 42 U.S.C. §§ 12101, *et seq.* (the "ADA"), for over which this Court has original jurisdiction under 28 U.S.C. § 1331 and purported related claims under state law over which this Court has supplemental jurisdiction pursuant to 28 U.S.C. § 1367.

Accordingly, this case removable pursuant to 28 U.S.C. § 1441. Pursuant to 28 U.S.C. § 1446(a), a true and correct copy of all process, pleadings, and orders served upon Copper Cellar are attached hereto as **Collective Exhibit A**.

IV. Copper Cellar will provide prompt written notice of its removal to Plaintiff and the Knox County Chancery Court.

Written notice of the filing of this Notice of Removal will be given to Plaintiff through her legal counsel and a copy will be filed with the Clerk and Master in and for the Knox County Chancery Court. Attached hereto as **Exhibit B** is Copper Cellar's Notice of Removal to Knox County Chancery Court.

V. Conclusion

Based upon all of the foregoing, this Court has jurisdiction over this matter and removal is proper pursuant to 28 U.S.C. §§ 1331, 1367, 1441, and 1446.

By this Notice of Removal, Copper Cellar does not waive any affirmative defense it may have but specifically reserves the right to assert any affirmative defenses, or other defenses, at a later date in accordance with the Federal Rules of Civil Procedure.

RESPECTFULLY SUBMITTED this the 28th day of April, 2021.

/s/ **Melissa B. Carrasco**
Melissa B. Carrasco (BPR # 029094)
Allison S. Jackson (BPR # 029230)
EGERTON, MCAFEE, ARMISTEAD & DAVIS, P.C.
900 S. Gay Street, 14th Floor
Knoxville, TN 37902
Phone: (865) 546-0500
Fax: (865) 525-5293
E-Mail: mcarrasco@emlaw.com
ajackson@emlaw.com
Attorneys for The Copper Cellar Corporation

CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of April, 2021, a copy of the foregoing document has been filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. Mail. Parties may access this filing through the Court's electronic filing system.

EGERTON, MCAFEE, ARMISTEAD & DAVIS, P.C.

By: /s/ *Melissa B. Carrasco*
Melissa B. Carrasco